

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 30TH DAY OF JUNE 1998

BEFORE

THE HON'BLE MR.JUSTICE CHANDRASHEKARAI AH

WRIT PETITION NO.25691/1994 ✓

BETWEEN:

Rahesh D Amin
s/o Radha D Amin
Major,
r/at Kambla Cross Road
Mangalore-3.Petitioner

(By Sri K Keshava Bhat, Adv.)

AND:

1. The Mangalore City Corporation
Corporation Office Buildings
Mangalore-3,
by its Commissioner.

2. K.B.Janardhana
s/o late K.B.Kanthappa
Major
r/at Room No.45/4

/2/

273
Narayanaswamy Building,
Jalahalli,
Bangalore-013.

---..Respondents.

(By Sri B.P.Holla for R-1
R-2 Sd)

W.P filed u/a 226 & 227 of the Constitution
of India with an affidavit praying to: Direct the
R1 to take all necessary steps to see that the R2
puts up the construction as per the plans and
specifications approved by the corporation in
reference No.E4. BA 129/91-92 dt.20.1.92 and etc.,

W.P coming on for Hearing this day, the
Court made the following:

ORDER

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r.by;

C.by;

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6/10/98

87
17-7-98

WP.25691/94

274

ORDER

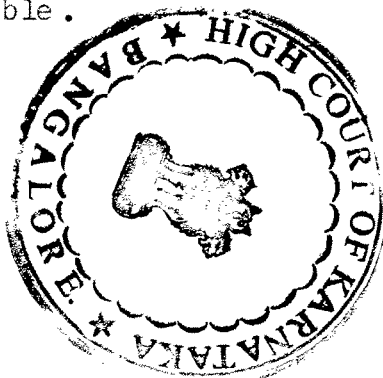
30.6.98

The petitioner gave a complaint to the first respondent alleging illegal construction by the second respondent. On that complaint the first respondent issued a notice under Section 308 of the Karnataka Municipal Corporations Act as per Annexure-C. Thereafter, as the first respondent has not proceeded with the case pursuant to Annexure-C, the petitioner has filed this writ petition for a mandamus.

2. When the first respondent has already taken action on the complaint made by the petitioner by issuing a notice, Annexure-C, there is no reason for the Municipality not to proceed with the case further.

3. In the result, I pass the following order:

Writ petition is allowed. A direction is issued to the first respondent to take further action pursuant to the notice issued under Section 308 of the Karnataka Municipal Corporations Act as per Annexure-C in accordance with law as expeditiously as possible.



Sd/-
JUDGE

G/100798

